

Program B: Civil Law

Program Authorization: General: La. Constitution, Article IV, Section 8; R.S. 36:701(D); R.S.36:704(D) (Civil Division); R.S. 36:704(C) (Public Protection Division).

PROGRAM DESCRIPTION

The mission of the Civil Law Program is to serve the citizens of the State of Louisiana through courteous and competent employees; and to provide superior legal representation and prompt and accurate legal advice and information on behalf of the State of Louisiana and to all clients of the program in the general areas of civil law and public protection.

The goal of the Civil Law Program is to provide superior legal services and public protection services on behalf of the State of Louisiana through the Civil Division and the Public Protection Division.

The Civil Program includes two activities (expressed as organizational divisions): the Civil Division and the Public Protection Division.

The Civil Division defends the constitution and laws of the State of Louisiana and provides information and legal services in the areas of government law, collection law, land and natural resources law, and public finance and contract law. The Civil Division is composed of the Governmental Litigation Section, the Collections Section, the Education/Interagency Transfer Section, the Lands and Natural Resources Section, and the Public Finance and Contracts Section.

- The Governmental Litigation Section defends the state in constitutional challenges to state laws and defends state agencies and elected officials in civil claims where torts are not involved. The work of this section includes state and federal litigation, drafting legal opinions to local and state officials and entities, legal representation of boards and commissions, legal advice and management of the tobacco settlement, and legal advice and education to the state's justices of the peace and constables. Examples of this section's litigation include the defense of legislative districts from reapportionment, defense of the state's abortion laws, defense of the state's insurance laws (such as impoundment and "no pay/no play"), and assistance to other sections and programs of the department (such as the video poker parish election litigation). Legal opinions written by this section cover a broad spectrum of questions, from open meetings, public records, dual office holding, compliance with state law, to local municipal law and elections. This section is also responsible for submission of state laws to the U.S. Department of Justice for administrative approval under Section 5 of the Voting Rights Act.
- The Collections Section provides legal representation to 16 of Louisiana's public colleges and universities, the State Department of Education, the Board of Regents, and the Office of Student Financial Assistance in the collection and litigation of defaulted educational loan/benefits. The work of this section includes over 11,556 accounts valued in excess of \$33.7 million, which are currently placed for collection. This section relies upon self-generated revenues for its operation.
- The Education/Interagency Transfer Section provides legal representation to the Board of Elementary and Secondary Education, the Board of Regents, the State Department of Education, the Louisiana Community and Technical College System, and various other public agencies on education-related litigation. The work of this section includes, for example, representation of the Board of Regents in the higher education desegregation litigation, advice concerning implementation of charter school legislation, representation of the Attorney General's Office on School Discipline and Safety Task Force, and defense of the constitutionality of the creation of the Baker School Board, and defense of various statutes permitting state aid for parochial schools. The Education Section responds to requests for attorney general opinions from the various state and local education boards on issues related to elementary, secondary, and higher education. This section has also been assigned various duties concerning implementation of drug testing legislation. It represents various agencies in litigation challenging drug testing programs and provides legal advice concerning the implementation and structure of such programs. It is currently defending the constitutionality of legislation creating the drug testing program for elected officials. This section also supervises attorneys in various state departments, including Treasury, Labor, State, Public Safety and Correction, and in the Louisiana Housing Finance Authority, and Office of the State Inspector General. Attorneys in the Interagency Transfer Section represent their agencies in a variety of capacities, including confidential assistant and general counsel, and perform general litigation defense and draft legal opinions.
- The Lands and Natural Resources Section advises and renders legal support to state agencies, levee boards, commissions, and other political subdivisions pertaining to lands, water bottoms, boundaries, accretion and erosion, oil and gas, public rights of use and access, sale and acquisition of lands expenditure of public funds, and related activities. It defends the title of the state in its political subdivisions to land and water bottoms and safeguards the interests of the state in lands and mineral transactions involving publicly owned lands and water bottoms. The work involves the defense of claims and actions to protect public property valuable to the state for oil, gas, mineral production, and recreational purposes, including boundary claims related to both river action and accretion and related oil and gas production. Another function of the section is the recovery of claims against oil and gas leases for improper payment or underpayment of royalties from production due on state leases, such as the litigation against Texaco.
- The Public Finance and Contracts Section enables attorneys in the Office of the Attorney General to specialize and provide competent, professional representation on public finance matters to statewide elected officials (such as the Treasurer) as well as other state boards and commissions (including the State Bond Commission, the Louisiana Housing Finance Authority, the Architects Selection Board, the Engineers Selection Board, and the Office Facilities Corporation.) The work of this section includes preparation or review of all legal documents required for issuance of state general obligation bonds, review of revenue bond issues of the state (including issues of the Transportation Trust Fund and the Office Facilities Corporation), provision of legal counsel to the State Bond Commission and legal assistance to the Division of Administration in connection with acquisition of real estate and annual

capital outlay bills. Opinions rendered by this section center around areas of taxation, public finance, public bid law, and contracts. This section also prepared legal services contracts and representation agreements on behalf of the Department of Justice, approves professional legal services contracts entered into by state agencies, boards and commissions, and approves the employment of special counsel by political subdivisions.

The Public Protection Division asserts and protects the State of Louisiana's interests by providing legal services in the general areas of consumer protection/environmental law, insurance receivership law, and fair housing law. The Public Protection Division is composed of the Consumer Protection/Environmental Section, the Insurance and Securities Section, and the Equal Opportunity Section.

- The Consumer Protection/Environment Section has the responsibilities of enforcing consumer protection laws in Louisiana and serving as a public trustee in connection with conserving, protecting, and replenishing Louisiana's natural resources.
In the consumer protection area, this section was granted authority under Louisiana's Unfair Trade Practice Act (R.S. 51:1401 et seq.) to conduct investigations as necessary when the Office of the Attorney General has reason to believe that an unfair or deceptive trade practice has taken place, is taking place, or is about to take place. (In connection with this authority, the section has joined with local officials in the investigation of several chain distribution schemes, has investigated mail order schemes in violation of U.S. postal inspection regulations, and has conducted investigations with the used Motor Vehicle and Parts Commission on several used automobile businesses, resulting in removal of license and attachment by the Internal Revenue Service. The section has also successfully litigated several registration enforcement cases.) The section conducts consumer awareness seminars throughout the state on such subjects as shoplifting, fraud, theft, and other deceptive trade practices. An important focus of the section is mediation and investigation of consumer complaints and inquiries. This section is also charged with the enforcement of antitrust and related laws relative to the regulation of trade and commerce. This includes, but is not limited to, the protection of the welfare of small business interests and the interests of any persons injured by antitrust violations and conspiracies in restraint of trade and other patterns of organized business extortion and theft.
- In the environmental area, this section assists the attorney general in the discharge of his duties under the Environmental Quality Act and in connection with the constitutional responsibility and power of the attorney general as chief legal officer of the state to institute, prosecute, or intervene in any civil action in order to assert or protect a state natural resource interest. The section prepares opinions, analyzes legislation, and advises officials and employees of the Departments of Natural Resources, Environmental Quality, Public Safety and Corrections, Wildlife and Fisheries, Culture, Recreation and Tourism, and Agriculture and Forestry; the U.S. Corps of Engineers; and other interested federal and state agencies or subdivisions. Staff personnel attend hearings throughout the state and visit problem sites and meet with representatives of both government and industry to seek resolution of environmental problems. Staff personnel also respond to inquiries and complaints from citizens and coordinate these with governmental action and appropriate agencies. (This section has played a prominent role in administrative litigation involving shell dredging; defense of key environmental legislation requiring limitations on land disposal of hazardous waste in a municipal landfill near Monroe; attempts to force the federal government to comply with state coastal zone regulations in connection with offshore leasing by the U.S. Department of the Interior; and numerous administrative enforcement actions involving assessed penalties against environmental violators in Louisiana.)
- The Insurance and Securities Section has direct involvement in and primary knowledge of every insurance liquidation in Louisiana. This section performs legal work, supervises contract counsel, and works with the Department of Insurance. Staff personnel conduct research in insolvency cases and maintain a proactive position in the area of insurance litigation. This section reviews legal bills of contract attorneys, incorporates terms of engagements and development with contract attorneys and the Department of Insurance case management plans for each liquidation. The section relies totally upon self-generated revenues for its operation.
- The Auto Fraud Section mediates complaints consumers have with car dealers in the State of Louisiana, assures the delivery of title and registration of motor vehicles, advises consumers of their rights concerning automobile issues, and investigates and mediates the packing of auto sale contracts. The section coordinates efforts with state and federal agencies to combat odometer fraud, investigates and assists the state in remittance of sales tax money due the state, and also establishes programs to educate consumers of the different frauds involved in the sale of automobiles.
- The Equal Opportunity Section is responsible for the administration and enforcement of the Louisiana Equal Housing Opportunity Act. This section is active in investigations, conciliations, and judicial enforcement of fair housing claims. Staff personnel cooperate with the federal government in the enforcement of statutes prohibiting discrimination in public accommodation based on an individual's race, color, national origin, religion, sex, handicap, or familial status. The section also provides information to Louisiana citizens on their rights regarding the renting and/or purchase of dwellings under the Louisiana Equal Housing Opportunity Act and the federal Fair Housing Act.

OBJECTIVES AND PERFORMANCE INDICATORS

Unless otherwise indicated, all objectives are to be accomplished during or by the end of FY 2001-2002. Performance indicators are made up of two parts: name and value. The indicator name describes what is being measured. The indicator value is the numeric value or level achieved within a given measurement period. For budgeting purposes, performance indicator values are shown for the prior fiscal year, the current fiscal year, and alternative funding scenarios (continuation budget level and Executive Budget recommendation level) for the ensuing fiscal year (the fiscal year of the budget document).

1. (KEY) To maintain a 49-day average total receipt-to-release time for opinions and maintain a 32-day average response time for research and writing opinions.

Strategic Link: This objective is related to the program's Strategic Goal I: *Provide superior and professional services on behalf of the State of Louisiana through the Civil Program.*

Louisiana: Vision 2020 Link: Not applicable

Children's Cabinet Link: Not applicable

Other Link(s): Not applicable

Explanatory Note: As of 1998, the Office of the Attorney General instituted a new computer tracking program for opinions. This program was written to track the amount of time from the receipt of an opinion request until the release of an opinion by the office. Prior to the implementation of this computer tracking system, opinion processing time was calculated by hand and only the amount of time an attorney used to research and write an opinion was calculated. Under that manual tracking system, the average 30-day response time (which was calculated as the writing period) was targeted to be decreased to 27 days in the department's FY 1998-1999 operational plan and this was accomplished. However, the supervisory review of all opinions is a very important aspect of opinion writing. Since supervisory review does affect the total amount of time it takes to release an opinion, it was included in the department's outcome measure beginning with Operational Plan FY 1999-2000; further, it was targeted for decrease to 15 days. The FY 2001-2002 objective is to maintain these accomplishments.

L E V E L	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD	ACTUAL YEAREND PERFORMANCE	ACT 11 PERFORMANCE STANDARD	EXISTING PERFORMANCE STANDARD	AT CONTINUATION BUDGET LEVEL	AT RECOMMENDED BUDGET LEVEL
		FY 1999-2000	FY 1999-2000	FY 2000-2001	FY 2000-2001	FY 2001-2002	FY 2001-2002
K	Average response time for attorney to research and write opinions (in days)	27	28	27	27	27	32 ¹
K	Average total time from receipt to release of an opinion (in days)	42	45	42	42	42	49 ¹

¹ Adjusted performance level due to reduction in positions and funding to the Department of Justice. At this time the department cannot fully anticipate possible additional reductions as a result of future reorganization of priorities.

For more information on attorney general opinions, see the General Performance Information table that follows.

GENERAL PERFORMANCE INFORMATION: ATTORNEY GENERAL OPINIONS

PERFORMANCE INDICATOR	PRIOR YEAR ACTUAL CY 1995-96 ¹	PRIOR YEAR ACTUAL FY 1996-97	PRIOR YEAR ACTUAL FY 1997-98	PRIOR YEAR ACTUAL FY 1998-99	PRIOR YEAR ACTUAL FY 1999-00
Number of opinions requested ²	516	650	570	433	509
Number of opinions withdrawn	3	44	69	12	44
Number of opinions released	215	249	419	306	421
Average response time (in days) for attorney to research and write opinion	30 ³	30	28	21	28
Average total time (in days) from receipt to release of an opinion	Not available ⁴	Not available ⁴	45	36	45

¹ Data were reported on a Calendar Year (CY) basis prior to FY 1996-97.

² These numbers include opinions for all Department of Justice divisions since the Civil Law Program must review all of these opinions and this review is factored into average total time from receipt to release of an opinion.

³ Based on estimates.

⁴ As of 1998, the Office of the Attorney General instituted a new computer tracking program for opinions. This program was written to track the amount of time from the receipt of an opinion request until the release of an opinion by the office. Prior to the implementation of this computer tracking system, opinion processing time was calculated by hand and only the amount of time an attorney used to research and write an opinion was calculated.

Note: Currently, computer research of Louisiana Attorney General opinions is available through 'WESTLAW' from January 1977 to present and through 'LEXIS' from September 1974 to present. The Louisiana Senate also has Attorney General opinions on its computer system from 1990 to present.

2. (KEY) Through the Civil Division, to retain in-house 95% of the litigation cases received during the fiscal year.

Strategic Link: This objective is related to the program's Strategic Goal I: *Provide superior and professional services on behalf of the State of Louisiana through the Civil Program.*

Louisiana: Vision 2020 Link: Not applicable

Children's Cabinet Link: Not applicable

Other Link(s): Not applicable

Explanatory Note: The attorney general is the agent for service of process for the State of Louisiana. However, this objective relates only to the cases handled by the Civil Division.

L E V E L	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1999-2000	ACTUAL YEAREND PERFORMANCE FY 1999-2000	ACT 11 PERFORMANCE STANDARD FY 2000-2001	EXISTING PERFORMANCE STANDARD FY 2000-2001	AT CONTINUATION BUDGET LEVEL FY 2001-2002	AT RECOMMENDED BUDGET LEVEL FY 2001-2002
K	Percentage of cases handled in-house each fiscal year	90%	98.6%	98%	98%	98%	95% ³
K	Number of cases received	Not applicable ¹	580 ¹	1,200 ¹	1,200 ¹	600 ¹	600 ¹
K	Number of cases contracted to outside firms each fiscal year	Not applicable ²	5 ²	19	19	24	30 ³

¹ This performance indicator did not appear under Act 10 of 1999 and has no performance standard for FY 1999-2000. The department's case tracking system, which was completed in the fourth quarter of FY 1998-1999, showed an average of 150 cases per month assigned to the Civil Division. The department's first quarter of FY 1999-2000 was below this average, at 50 cases per month assigned to the Civil Division. Therefore, the performance standard for FY 2000-2001 is based on an average of 100 cases per month. In the past, projections were based on the number of suits served on the attorney general (the agent for service of process for the State of Louisiana). However, the continuation level reflects only cases handled by the Civil Division. Further, the continuation level is based on prior year actual (FY 1999-2000) data for cases received by the Civil Division.

² Those cases referred to outside counsel for FY 1996-1997 FY 1997-1998, and FY 1998-1999 included the tobacco litigation, asbestos litigation, Shell Oil litigation, McNeese State University trademark litigation, and Minimum Foundation Formula (MFP) litigation. Those cases that remained outstanding on contract for FY 1999-2000 included the asbestos litigation, Shell Oil litigation, and McNeese State University trademark case. Also, in the first quarter of FY 1999-2000, the Civil Division contracted to outside counsel in the partial birth abortion litigation and the insurance receivership litigation.

³ Adjusted performance level due to reduction in positions and funding to the Department of Justice. At this time the department cannot fully anticipate possible additional reductions as a result of future reorganization of priorities.

3. (SUPPORTING) Through the Public Finance and Contracts Section of the Civil Division, to continue to process contracts within an average of 13 days; resolutions within an average of 7 days, public bond approvals within an average of 4 days; and garnishments within an average of 13 days.

Strategic Link: This objective is related to the program's Strategic Goal I: *Provide superior and professional services on behalf of the State of Louisiana through the Civil Program.*

Louisiana: Vision 2020 Link: Not applicable

Children's Cabinet Link: Not applicable

Other Link(s): Not applicable

Explanatory Note: Contracts include those prepared on behalf of the Department of Justice, those entered into by state agencies, boards, and commissions, and those employing special counsel by political subdivisions. Public bond approvals are known as TEFRA's. TEFRA is an acronym for Tax Equity and Fiscal Responsibility Act. Garnishments include payments of funds from the state treasury that would otherwise go to state employees or third persons but are sometimes garnished by creditors of the state employees or third persons.

L E V E L	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1999-2000	ACTUAL YEAREND PERFORMANCE FY 1999-2000	ACT 11 PERFORMANCE STANDARD FY 2000-2001	EXISTING PERFORMANCE STANDARD FY 2000-2001	AT CONTINUATION BUDGET LEVEL FY 2001-2002	AT RECOMMENDED BUDGET LEVEL FY 2001-2002
S	Average processing time for contracts (in days) ¹	12	12	12	12	12	13 ³
S	Average processing time for resolutions (in days) ²	6	6	6	6	6	7 ³
S	Average processing time for public bond approvals (TEFRA) (in days) ²	6	2	6	6	3	4 ³
S	Average processing time for garnishment (in days)	15	6	15	15	12	13 ³

¹ This indicator includes contract amendments also.

² For FY 2000-2001, processing time for resolutions and TEFRA's were combined and shared a performance standard for processing time of 6 days. In prior years, these activities were reported separately. The department is reverting to separate reporting for these activities since they are different functions that take different time periods to complete. The department seeks to clearly demonstrate the average time to complete each activity.

³ Adjusted performance level due to reduction in positions and funding to the Department of Justice. At this time the department cannot fully anticipate possible additional reductions as a result of future reorganization of priorities.

For output indicators related to the Public Finance and Contracts Section, see the General Performance Information table that follows.

GENERAL PERFORMANCE INFORMATION: PUBLIC FINANCE AND CONTRACTS SECTION				
PERFORMANCE INDICATOR	PRIOR YEAR ACTUAL FY 1996-97	PRIOR YEAR ACTUAL FY 1997-98	PRIOR YEAR ACTUAL FY 1998-99	PRIOR YEAR ACTUAL FY 1999-00
Number of contracts reviewed and processed	200 ¹	206	161	202
Number of amendments reviewed and processed	20 ¹	80	86	58
Number of resolutions reviewed and processed	230 ¹	375	348	368
Number of public bond approvals (TEFRAs) reviewed and processed	10 ¹	15	37	31
Number of garnishments processed	100 ¹	78	98	96

¹ Based on estimates.

4. (KEY) Through the Collections Section of the Civil Division, to collect an average of \$3,000,000 in outstanding student loans each fiscal year.

Strategic Link: This objective is related to the program's Strategic Goal I: *Provide superior and professional services on behalf of the State of Louisiana through the Civil Program.*

Louisiana: Vision 2020 Link: Not applicable

Children's Cabinet Link: Not applicable

Other Link(s): Not applicable

Explanatory Note: Funds recovered by the Collections Section are directly affected by the age, number, and type of cases in the section's portfolio. In some years, the section has been able to collect more money than others, depending on whether or not the section has received many new accounts and whether the section has had great numbers of accounts that have been recalled during the course of the fiscal year. Realistically, the section will eventually deviate from its continued upward trend of recoveries because the section will not always have as many accounts coming in for collection as are going out.

L E V E L	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1999-2000	ACTUAL YEAREND PERFORMANCE FY 1999-2000	ACT 11 PERFORMANCE STANDARD FY 2000-2001	EXISTING PERFORMANCE STANDARD FY 2000-2001	AT CONTINUATION BUDGET LEVEL FY 2001-2002	AT RECOMMENDED BUDGET LEVEL FY 2001-2002
K	Number of outstanding student loan cases closed	Not applicable ¹	6,229	2,500	2,500	2,500	2,500
K	Total collections from outstanding student loan cases	Not applicable ¹	\$4,851,398	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000

¹ This performance indicator did not appear under Act 10 of 1999 and does not have a FY 1999-2000 performance standard.

For more information on collections, see the General Performance Information table that follows.

GENERAL PERFORMANCE INFORMATION: COLLECTIONS SECTION

PERFORMANCE INDICATOR	PRIOR YEAR ACTUAL FY 1995-96	PRIOR YEAR ACTUAL FY 1996-97	PRIOR YEAR ACTUAL FY 1997-98	PRIOR YEAR ACTUAL FY 1998-99	PRIOR YEAR ACTUAL FY 1999-00
Number of pending cases	14,226	16,778	16,842	13,851	12,565
Number of cases closed	7,590	3,460	4,256	4,139	6,229
Total collections ¹	\$3,167,967	\$3,354,971	\$3,576,666	\$4,550,123	\$4,851,398

¹ Prior to FY 1995-96, collection amounts were recorded on a calendar year basis. On a calendar year basis, collections from 1991 through 1994 were: 1991- \$1,701,636; 1992 - \$1,911,967; 1993 - \$2,411,391; and 1994 - \$2,852,417.

5. (SUPPORTING) Through the Civil Division and Public Protection Division, to continue to process and respond to 100% of the duty calls received during the fiscal year.

Strategic Link: This objective is related to the program's Strategic Goal I: *Provide superior and professional services on behalf of the State of Louisiana through the Civil Program.*

Louisiana: Vision 2020 Link: Not applicable

Children's Cabinet Link: Not applicable

Other Link(s): Not applicable

Explanatory Note: Every working day of the fiscal year an attorney from the Civil Program is on duty to receive, process, and respond to the questions--legal or nonlegal--from the general public. Tasks include telephone responses, research, mail-outs, and assistance with walk-ins. Twelve training meetings related to duty calls are held each year.

L E V E L	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD	ACTUAL YEAREND PERFORMANCE	ACT 11 PERFORMANCE STANDARD	EXISTING PERFORMANCE STANDARD	AT CONTINUATION BUDGET LEVEL	AT RECOMMENDED BUDGET LEVEL
		FY 1999-2000	FY 1999-2000	FY 2000-2001	FY 2000-2001	FY 2001-2002	FY 2001-2002
S	Percentage of duty calls processed and responded to each fiscal year	100%	100%	100%	100%	100%	100%

For input and output indicators related to duty calls , see the General Performance Information table that follows.

GENERAL PERFORMANCE INFORMATION: DUTY CALLS		
PERFORMANCE INDICATOR	PRIOR YEAR ACTUAL FY 1998-99	PRIOR YEAR ACTUAL FY 1999-00
Number of duty calls received	7,086	4,422
Number of research and mailouts performed	621	225

6. (SUPPORTING) Through the Tobacco Enforcement Unit, to ensure compliance with Tobacco Master Settlement Agreement provisions by conducting 15 field checks on tobacco-sponsored special events and 200 random site checks on retail tobacco outlets.

Strategic Link: This objective is related to the program's Strategic Goal I: *Provide superior and professional services on behalf of the State of Louisiana through the Civil Program.*

Louisiana: Vision 2020 Link: Not applicable

Children's Cabinet Link: Not applicable

Other Link(s): This objective is associated with Tobacco Settlement Funds through the Louisiana Fund.

Explanatory Note: The compliance checks conducted by the Office of the Attorney General (OAG) are different from the compliance checks performed by the Office of Alcohol and Tobacco Control (ATC) in the Department of Revenue. The OAG checks for violations of the Master Settlement Agreement. These violations can include advertising violations in newspapers or magazines, brand name merchandising violations, brand name sponsorship violations, free sample violations, or other violations. OAG checks identify tobacco products made by tobacco manufacturers that are not part of the Master Settlement Agreement so that the OAG can ensure that those manufacturers establish escrow accounts in accordance with state law (LRS 13:5061), which expressly requires the attorney general to enforce the provisions of the law. The ATC enforces Title 26 of the Louisiana Revised Statutes, the Beer and Liquor Law, and the Youth Access to Tobacco Law by conducting random inspections at locations where alcoholic beverages and tobacco are sold.

L E V E L	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD	ACTUAL YEAREND PERFORMANCE	ACT 11 PERFORMANCE STANDARD	EXISTING PERFORMANCE STANDARD	AT CONTINUATION BUDGET LEVEL	AT RECOMMENDED BUDGET LEVEL
		FY 1999-2000	FY 1999-2000	FY 2000-2001	FY 2000-2001	FY 2001-2002	FY 2001-2002
S	Number of field checks conducted at tobacco-sponsored special events	Not applicable ¹	Not applicable ¹	50	50	15 ²	15
S	Number of random site checks conducted at retail tobacco outlets	Not applicable ¹	Not applicable ¹	100	100	200 ³	200

¹ This performance indicator was new for FY 2000-2001. It did not appear under Act 10 of FY 1999 and does not have a FY 1999-2000 performance standard. There is no actual figure for FY 1999-2000 since the Tobacco Enforcement Unit did not begin operating until the fourth quarter of FY 1999-2000 and focus was placed on the development of a system for monitoring monthly activities of the participating manufacturers in the Master Settlement Agreement.

² The projected continuation level is reduced from the FY 2000-2001 performance standard as a result of experience garnered since the Tobacco Enforcement Unit began operations in the fourth quarter of FY 1999-2000. The number of tobacco-sponsored special events in Louisiana is lower than originally estimated.

³ The department has increased its projection for continuation level due to its experience in FY 2000-2001, indicating that the number of retail tobacco outlets that can be checked through a random site check is greater than originally estimated during development of the FY 2000-2001 performance standard for this indicator.

7.(KEY) Through the Insurance and Securities Section of the Public Protection Division, to handle in-house 75% of the cases, claims, and proceedings involved in receivership during the fiscal year.

Strategic Link: This operational objective is related to the program's Strategic Objective V.2: *Increase in-house representation in receivership and insurance regulatory matters by June 30, 2003.* It is also related to the program's Strategic Goal V: *Provide competent and quality legal representation and counsel in insurance receivership matters and other insurance regulatory matters.*

Louisiana: Vision 2020 Link: Not applicable

Children's Cabinet Link: Not applicable

Other Link(s): Not applicable

Explanatory Note: Staff training is an important strategy for achieving the strategic goal and strategic and operational objectives cited above.

L E V E L	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1999-2000	ACTUAL YEAREND PERFORMANCE FY 1999-2000	ACT 11 PERFORMANCE STANDARD FY 2000-2001	EXISTING PERFORMANCE STANDARD FY 2000-2001	AT CONTINUATION BUDGET LEVEL FY 2001-2002	AT RECOMMENDED BUDGET LEVEL FY 2001-2002
K	Percentage of cases, claims, and proceedings involving receivership that are handled in-house	75%	78.4%	75%	75%	75%	75%
S	Percentage of section staff receiving in-house training	100%	100%	100%	100%	100%	100%
S	Number of hours of in-house training provided	5	5	5	5	5	5
S	Percentage of section staff indicating satisfaction with in-house training provided	100%	100%	100%	100%	100%	100%

For input and output indicators related to receivership cases, claims, and proceedings, see the General Performance Information table that follows.

GENERAL PERFORMANCE INFORMATION: RECEIVERSHIP CASES

PERFORMANCE INDICATOR	PRIOR YEAR ACTUAL FY 1995-96	PRIOR YEAR ACTUAL FY 1996-97	PRIOR YEAR ACTUAL FY 1997-98	PRIOR YEAR ACTUAL FY 1998-99	PRIOR YEAR ACTUAL FY 1999-00
Total number of cases, claims, and proceedings involving receiverships ¹	Not available	Not available	276	244	167
Total number of cases, claims and proceedings involving receiverships that are handled in-house	Not available	Not available	206	193	128
Total number of cases, claims and proceedings that are handled by the Attorney General and contract counsel	Not available	Not available	2	5	3
Total number of cases, claims and proceedings involving receiverships that are handled by contract counsel	Not available	Not available	68	46	36
Number of billings of outside counsel for liquidations reviewed by section staff	849	413	240	181	127
Average turnaround time for review and certification of submitted bills	7	7	7	7	7
Total dollar amount of contract attorney fees and expenses certified by section staff	\$1,374,744	\$1,221,337	\$930,534	\$496,805	\$497,165
Number of companies for which section provided legal service	53	50	39	37	24
Number of hours billed by section staff	5,426	4,605	4,274	3,450	3,176
Dollar amount billed by section staff	\$462,174	\$420,403	\$415,179	\$346,549	\$315,249
Funds collected for legal services rendered by section staff	\$438,309	\$397,095	\$416,217	\$209,707	\$307,213
Number of insurance estates closed and finalized by section staff	18	13	4	13	4
Number of companies placed in receivership by section attorneys	0	1	0	1	0

¹ The number of cases, claims, and proceedings involving receivership depends on the number of pending receivership estates. The goal of the receivership liquidation proceeding is to liquidate and close the estate. As receivership estates are closed, the number of pending receivership cases, claims, and proceedings decreases. If there is no need to place additional companies into receivership, the number of cases will not increase.

8.(KEY) Through the Equal Opportunity Section of the Public Protection Division, to close 50% of its enforcement cases within 120 days.

Strategic Link: This operational objective is related to the program's Strategic Objective VI.1: *To maintain and/or increase the staff's closure rate of fair housing complaints by developing greater expertise.* To achieve this strategic objective, the following Strategic Strategy VI.1.1 is identified: *Provide in-house seminars and training sessions regarding fair housing laws which the staff is responsible for enforcing.*

Louisiana: Vision 2020 Link: Not applicable

Children's Cabinet Link: Not applicable

Other Link(s): Not applicable

Explanatory Note: The attorney general is given sole authority to administer and enforce fair housing complaints initiated with the Office of the Attorney General (OAG) or with the U.S. Department of Housing and Urban Development (HUD). The OAG is subject to HUD review and receives HUD funding based on the number of cases closed.

Explanatory Note: To stimulate greater awareness of fair housing laws among the public and the regulated community, the OAG distributed 14,358 pieces of educational literature in FY 1999-2000.

L E V E L	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1999-2000	ACTUAL YEAREND PERFORMANCE FY 1999-2000	ACT 11 PERFORMANCE STANDARD FY 2000-2001	EXISTING PERFORMANCE STANDARD FY 2000-2001	AT CONTINUATION BUDGET LEVEL FY 2001-2002	AT RECOMMENDED BUDGET LEVEL FY 2001-2002
K	Percentage of cases closed within 120 days	Not applicable ¹	33%	75% ¹	75% ¹	50% ¹	50%
S	Percentage of section staff receiving in-house training	100%	100%	100%	100%	100%	100%
S	Number of hours of in-house training provided	6	10 ²	6	6	6	6

¹ This was a new performance indicator for FY 2000-2001. It did not appear under Act 10 of 1999 and does not have a performance standard for FY 1999-2000. No FY 1999-2000 actual figure was provided by the department. However, the department did report an actual of 42% for FY 1998-1999. Since the fair housing caseload of this section is increasing (in the first two quarters of FY 2000-2001, the OAG received 57 complaints, which is almost equal to the entire number received in FY 1999-2000) and there are only two compliance officers to handle the caseload, the department has reduced the projected percentage of cases closed within 120 days to 50% at continuation level. For information on the number of complaints received and closed, see the General Performance Information table that follows.

² Additional training was provided in FY 1999-2000 to help section staff learn the new U.S. Department of Housing and Urban Development computerized case system.

GENERAL PERFORMANCE INFORMATION: EQUAL OPPORTUNITY SECTION, FAIR HOUSING COMPLAINTS/CASES

PERFORMANCE INDICATOR	PRIOR YEAR ACTUAL FY 1995-96	PRIOR YEAR ACTUAL FY 1996-97	PRIOR YEAR ACTUAL FY 1997-98	PRIOR YEAR ACTUAL FY 1998-99	PRIOR YEAR ACTUAL FY 1999-00
Number of fair housing complaints received	69	87	69	82	61 ¹
Number of fair housing cases closed	68	76	67	69	67

¹ The decrease in complaints/cases received was due to a temporary freeze on incoming complaints referred by HUD due to a complete turnover of compliance officers and a reduction in OAG staff. During the first two quarters of FY 2000-2001, the OAG has received 57 complaints.

9.(KEY) Through the Consumer Protection Section of the Public Protection Division, to respond to consumer complaints within an average of 15 days of receipt.

Strategic Link: This operational objective is related to the program's Strategic Goal IV: *Ensure a fair and equitable environment in which consumers and business coexist*. This operational objective is also related to Strategic Objective IV.2: *Improve the resolution of consumer complaints handled through the mediation process*.

Louisiana: Vision 2020 Link: Not applicable

Children's Cabinet Link: Not applicable

Other Link(s): Not applicable

Explanatory Note: Staff training is an important strategy for achieving the strategic goal and strategic and operational objectives cited above.

L E V E L	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1999-2000	ACTUAL YEAREND PERFORMANCE FY 1999-2000	ACT 11 PERFORMANCE STANDARD FY 2000-2001	EXISTING PERFORMANCE STANDARD FY 2000-2001	AT CONTINUATION BUDGET LEVEL FY 2001-2002	AT RECOMMENDED BUDGET LEVEL FY 2001-2002
K	Average number of days to respond to consumer complaints	Not applicable ¹	15	15	15	15	15
S	Percentage of section staff receiving in-house training	100%	100%	100%	100%	100%	100%
S	Number of hours of in-house training provided	5	5	5	5	5	5
S	Percentage of section staff indicating satisfaction with in-house training provided	100%	100%	100%	100%	100%	100%

¹ This performance indicator appeared under Act 19 of 1998 and has an FY 1998-1999 performance standard. However, it did not appear under Act 10 of 1999 and does not have a FY 1999-2000 performance standard.

For more information on consumer complaints and program outreach efforts, see the General Performance Information table that follows.

**GENERAL PERFORMANCE INFORMATION: CONSUMER PROTECTION COMPLAINTS
AND OUTREACH EFFORTS**

PERFORMANCE INDICATOR	PRIOR YEAR ACTUAL FY 1996-97	PRIOR YEAR ACTUAL FY 1997-98	PRIOR YEAR ACTUAL FY 1998-99	PRIOR YEAR ACTUAL FY 1999-00
Number of consumer complaints logged ¹	1,700	1,700	2,103	1,355
Number of consumer outreach programs	Not available	18 ²	47 ²	68 ²
Number of consumer brochures distributed	Not available	4,000 ²	9,970 ²	7,936 ²
Number of enforcement actions filed	Not available	90	74	164 ³

¹ The auto fraud activity, which is now a separate OAG section, was part of the Consumer Protection Section during these reporting years. However, the figures shown for consumer complaints logged do not include automobile fraud complaints, which have been separated from the total number of consumer complaints logged and are reported in the General Performance Information table appearing under Objective 10.

² Figures for consumer outreach programs and brochures distributed include odometer and auto fraud educational materials because that activity was part of the Consumer Section. Future figures for consumer protection outreach efforts will not include automobile fraud numbers.

³ More unregistered Multi-level Marketing/Pyramid Schemes as well as several other fraudulent appearing investment schemes were uncovered that expected.

10.(KEY) Through the Auto Fraud Section of the Public Protection Division, to initiate investigation of odometer and auto complaints within an average of 5 days of receipt of complaint.

Strategic Link: This operational objective is related to the program's Strategic Goal IV: *Ensure a fair and equitable environment in which consumers and business coexist.*

Louisiana: Vision 2020 Link: Not applicable

Children's Cabinet Link: Not applicable

Other Link(s): Not applicable

Explanatory Note: To stimulate a greater awareness of auto fraud to the public and the regulated community, the Auto Fraud Section will distribute an estimated 10,000 odometer and auto fraud educational materials during FY 2000-2001.

L E V E L	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1999-2000	ACTUAL YEAREND PERFORMANCE FY 1999-2000	ACT 11 PERFORMANCE STANDARD FY 2000-2001	EXISTING PERFORMANCE STANDARD FY 2000-2001	AT CONTINUATION BUDGET LEVEL FY 2001-2002	AT RECOMMENDED BUDGET LEVEL FY 2001-2002
K	Average number of days to initiate investigation	Not applicable ¹	Not applicable ¹	Not applicable ¹	5 ¹	5	5

¹This performance indicator did not appear under Act 10 of 1999 or Act 11 of 1999. It does not have a FY 1999-2000 performance standard or an initial FY 2000-2001 (or Act 11) performance standard. The FY 2000-2001 existing performance standard was established as part of a BA -7 approved by the Joint Legislative Committee on the Budget at its October 20, 2000, meeting. No data for this indicator were collected or reported for FY 1999-2000.

For information on auto fraud complaints, see the General Performance Information table that follows.

GENERAL PERFORMANCE INFORMATION: AUTO FRAUD COMPLAINTS			
PERFORMANCE INDICATOR	PRIOR YEAR ACTUAL FY 1997-98	PRIOR YEAR ACTUAL FY 1998-99	PRIOR YEAR ACTUAL FY 1999-00
Number of auto fraud phone complaints	4,634	3,591	4,031
Number of auto fraud complaints filed	647	656	502
Dollar amount recovered for consumer	\$548,059	\$416,289	\$257,740

RESOURCE ALLOCATION FOR THE PROGRAM

	ACTUAL 1999 - 2000	ACT 11 2000 - 2001	EXISTING 2000 - 2001	CONTINUATION 2001 - 2002	RECOMMENDED 2001 - 2002	RECOMMENDED OVER/(UNDER) EXISTING
MEANS OF FINANCING:						
STATE GENERAL FUND (Direct)	\$3,785,965	\$4,338,012	\$4,771,597	\$4,546,361	\$4,547,981	(\$223,616)
STATE GENERAL FUND BY:						
Interagency Transfers	613,417	908,501	908,501	783,243	783,243	(125,258)
Fees & Self-gen. Revenues	1,531,622	1,930,873	1,972,563	1,938,108	1,873,378	(99,185)
Statutory Dedications	217,073	339,859	343,066	350,000	357,247	14,181
Interim Emergency Board	0	0	0	0	0	0
FEDERAL FUNDS	222,124	258,626	322,643	297,001	292,001	(30,642)
TOTAL MEANS OF FINANCING	\$6,370,201	\$7,775,871	\$8,318,370	\$7,914,713	\$7,853,850	(\$464,520)
EXPENDITURES & REQUEST:						
Salaries	\$2,831,975	\$3,716,085	\$3,724,585	\$3,845,563	\$3,798,219	\$73,634
Other Compensation	1,155,574	401,267	401,267	254,653	365,253	(36,014)
Related Benefits	646,717	785,612	787,142	791,753	837,753	50,611
Total Operating Expenses	755,678	877,876	892,846	925,498	803,411	(89,435)
Professional Services	371,387	1,083,071	1,558,346	1,083,071	1,083,071	(475,275)
Total Other Charges	450,187	750,992	785,009	785,009	755,009	(30,000)
Total Acq. & Major Repairs	158,683	160,968	169,175	229,166	211,134	41,959
TOTAL EXPENDITURES AND REQUEST	\$6,370,201	\$7,775,871	\$8,318,370	\$7,914,713	\$7,853,850	(\$464,520)
AUTHORIZED FULL-TIME EQUIVALENTS: Classified	0	0	0	0	0	0
Unclassified	69	94	94	98	102	8
TOTAL	69	94	94	98	102	8

SOURCE OF FUNDING

This program is funded from the State General Fund, Interagency Transfers, Fees and Self-generated Revenues, Statutory Dedications and Federal Funds. Fees and Self-generated Revenues are derived from fees charged for the collection of delinquent student loans. Interagency Transfers are derived from various state agencies for legal services. Statutory Dedications are derived from the Louisiana Fund for legal services related to the Tobacco Settlement Litigation. Federal Funds are derived from the Department of Housing and Urban Development for the Administration and Enforcement of the Louisiana open housing law. (Per R.S. 39.32B. (8), see table below for a listing of expenditures out of each Statutory Dedicated Fund.)

	ACTUAL 1999- 2000	ACT 11 2000 - 2001	EXISTING 2000 - 2001	CONTINUATION 2001 - 2002	RECOMMENDED 2001 - 2002	RECOMMENDED OVER/(UNDER) EXISTING
Louisiana Fund	\$217,073	\$339,859	\$343,066	\$350,000	\$357,247	\$14,181

ANALYSIS OF RECOMMENDATION

GENERAL FUND	TOTAL	T.O.	DESCRIPTION
\$4,338,012	\$7,775,871	94	ACT 11 FISCAL YEAR 2000-2001
			BA-7 TRANSACTIONS:
\$433,585	\$512,499	0	Carry forward BA -7
\$0	\$30,000	0	BA-7 relative to a Federal Grant for fraud detection and prevention of Odometers
\$4,771,597	\$8,318,370	94	EXISTING OPERATING BUDGET – December 15, 2000
\$113,461	\$191,767	0	Unclassified State Employees Merit Increases for FY 2001-2002
\$87,071	\$211,134	0	Acquisitions & Major Repairs
(\$46,000)	(\$165,968)	0	Non-Recurring Acquisitions & Major Repairs
(\$433,585)	(\$512,499)	0	Non-Recurring Carry Forwards
(\$75,228)	(\$75,228)	0	Salary Base Adjustment
(\$13,908)	(\$78,638)	(1)	Attrition Adjustment
(\$36,878)	(\$36,878)	(1)	Personnel Reductions
\$0	(\$187,167)	0	Other Technical Adjustment - Correction of IAT and Self-generated revenues to proper levels to be received from other state departments and boards and commissions
\$18,032	\$25,538	0	Other Adjustments - Additional funding for office space rental increases

\$270,000	\$270,000	3	Other Technical Adjustment transferring the funding for the "Opinion Section" from the Administration Program to the Civil Program to align funding with function
\$4,654,562	\$7,960,431	95	TOTAL RECOMMENDED

The total means of financing for this program is recommended at 94.4% of the existing operating budget. It represents 88.9% of the total request (\$8,914,976) for this program. At the recommended level of funding, approximately the same level of services should be provided

PROFESSIONAL SERVICES

\$50,000	Shell Offshore, Inc. Vs. State of La. (Foster Associates, Bethesda, MD.)
\$2,500	Gerald Disler, American Admiralty, Navigability of Gassoway Lake
\$100,000	Shell Offshore, Inc. Vs. State of La. (Bloch, Briggs, & Assoc., Baton Rouge)
\$150,000	Shell Offshore, Inc. Vs. State of La. (Phelps Dunbar, New Orleans)
\$5,000	Hearings between Teachers and Board of Education (Roy, Kiesel & Tucker, Baton Rouge)
\$30,000	Provide courtroom graphic analysis (Courtroom Graphics, New Orleans)
\$100,000	Shell Offshore, Inc. Vs. State of La. (Andrew Thomas, New Orleans)
\$50,000	PC based collection system development (Joe Sherrill, Luling, La.)
\$50,000	Shell Offshore, Inc. Vs. State of La. (Silva and Simpson, Houston, TX.)
\$100,000	Shell Offshore, Inc. Vs. State of La. (Hoise, Frost, Lange, McArthur, San Francisco, CA.)
\$445,571	Additional services to be determined, as necessary to carry out the mission of the Department
\$1,083,071	TOTAL PROFESSIONAL SERVICES

OTHER CHARGES

\$250,000	Reimbursements for review of sales of Non-profit Hospitals
\$60,000	Legal services for Domestic Violence
\$293,000	Advocacy Center for the Elderly (Ombudsman)
\$5,860	Legal Services for Boards and Commissions
\$135,052	Juvenile Justice Project
\$11,097	Depositions, Utilization of court reporters, witnesses' travel, etc
\$755,009	TOTAL OTHER CHARGES

ACQUISITIONS AND MAJOR REPAIRS

\$61,000	Library Reference Materials
\$26,071	Replacement of various Office equipment
\$124,063	Replacement of various Office equipment and data processing equipment
\$211,134	TOTAL ACQUISITIONS AND MAJOR REPAIRS